

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM



Louisiana Department of Transportation & Development

January 31, 2013

LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DBE PROGRAM

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LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT DBE PROGRAM

The Louisiana Department of Transportation and Development (LADOTD) is vested with the authority and responsibility to coordinate and develop a comprehensive, balanced transportation system for the State of Louisiana. In order to carry out those responsibilities, LADOTD is authorized to make such contracts and execute such instruments containing reasonable and necessary terms, provisions, and conditions for the purpose of obtaining or securing financial assistance, grants or loans from any agency or department of the United States.

In addition to funding from various resources of the State of Louisiana, LADOTD receives funding from the United States Department of Transportation (USDOT). As a condition of receiving such funds, LADOTD must comply with all federal statutes, regulations, guidelines and other requirements of the federal agencies.

The USDOT has the responsibility of insuring that firms competing for its financially assisted contracts are not disadvantaged by unlawful discrimination and issued new regulations in 1999 as part of its policy concerning the program commonly known as the Disadvantaged Business Enterprise (DBE) Program.

A revision became effective January 28, 2011, and requires the primary recipient of funding by the USDOT, as a condition of receiving federal funding to develop a DBE program that meets the requirements of the new regulation by February, 2011. LADOTD is required to establish a three-year overall goal based on the local availability of DBEs that are ready, willing, and able to participate in LADOTD contracts. It is required that, to the maximum extent possible, race-neutral means be used to achieve the DBE participation goals.

DBE PROGRAM

I. Definitions of Terms

The terms used in this program have the meanings defined in 49 C.F.R. §26.5. In the administration of its DBE Program, LADOTD will act in accordance with guidance and interpretations when issued by the United States Department of Transportation (USDOT) in accordance with 49 C.F.R. §26.9.

II. Objectives /Policy Statement (§§26.1, 26.23)

As a recipient of federal financial funding of the USDOT, the LADOTD has established a Disadvantaged Business Enterprise (DBE) Program as set forth herein and hereby provides its assurance that it will comply with the provisions of this program and the regulations of the USDOT as set forth in 49 C.F.R. Part 26.

The LADOTD is committed to the objectives of the DBE Program and its policy is to fully support and comply with 49 C.F.R. Part 26 and all other applicable statutes, regulations and guidelines of the USDOT. In order to achieve these goals, it is the policy of LADOTD to:

1. Ensure nondiscrimination in the award and administration of USDOT assisted contracts;
2. Provide a business environment in which DBEs can compete fairly for USDOT assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 C.F.R. Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in USDOT assisted contracts; and
6. Assist the development of firms that can compete successfully in the market place outside the DBE Program.

The responsibility for the effective implementation is assigned to the Director of Compliance Programs, who is also designated as the DBE Liaison Officer (DBELO). The DBELO reports directly to the Deputy Secretary of LADOTD, and has full responsibility for developing, managing, and implementing the DBE program on a day-to-day basis, which includes providing guidance and oversight to the LADOTD highway and transit activities in regards to the DBE Program. The DBELO also has responsibility for ensuring that the technical assistance activities for DBEs are carried out; and for ensuring that information on available business opportunities is disseminated so that DBEs are provided an opportunity to bid on all federally assisted LADOTD contracts and other opportunities. This arrangement, however, does not preclude the DBELO from having direct, independent access to the LADOTD Secretary.

LADOTD has established a Certification Review Team to certify eligible DBEs as required by 49 C.F.R. Part 26 to participate in federally assisted contracts. Certified DBEs will be included in a DBE directory.

The DBE program and policy statement is available to all district administrators, district construction engineers, project engineers, and other Department officials on the agency website; calling for effective implementation and monitoring. The DBE program manual is available to the minority, female, non-minority, and business communities on the agency website or in bound form. The manual is also made available to all airport sponsors, political jurisdictions, and any other interested parties. The DBE program manual will be updated annually, if there are changes and will be made available via the Department's website or in bound form.

Sherri H. LeBas
Secretary, Louisiana Department of Transportation and Development

Date: _____

III. Nondiscrimination (§26.7)

LADOTD will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 C.F.R. Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, LADOTD will not, directly or through contract or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

IV. Records LADOTD Will Keep and Report (§26.11)

Bidders List

As a means of determining the relative availability of ready, willing, and able DBEs, LADOTD will maintain a bidders' list that will include all firms that bid on prime contracts or quote subcontracts on USDOT financially assisted projects. The purpose of this requirement is to allow use of the bidder's list approach in calculating overall goals. The list will include both DBEs and non-DBEs. The list will be supplemented on a regular basis and will include the following:

- (1) firm name
- (2) firm address
- (3) firm's status as a DBE or non-DBE
- (4) the age of the firm
- (5) the annual gross receipts of the firm

All bidders will provide basic information that includes name of the firm, contact person, address, and e-mail or phone number of any subcontractor or supplier that submits a quote to them. A list of firms is provided on line, and only firms not already on this list need to be submitted. This will be used to determine all firms that are ready, willing, and able to perform work on projects financially assisted by the USDOT. LADOTD will follow up on a yearly basis to verify the information above and obtain additional information that includes the age of the firm and gross receipts.

Monitoring Payments to DBEs

LADOTD will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the LADOTD or USDOT. This reporting requirement also extends to any certified DBE subcontractor.

V. Federal Financial Assistance Agreement Assurance (§26.13)

Each financial assistance agreement that LADOTD signs with a USDOT operating administration will include the following assurance:

“It is the policy of the DOTD that it shall not discriminate on the basis of race, color, national origin, or sex in the award of any United States Department of Transportation (US DOT) financially assisted contracts or in the administration of its DBE program or the requirements of 49 CFR Part 26. The DOTD shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT assisted contracts. The DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification of failure to carry out the approved DBE program, the US DOT may impose sanctions as provided for under 49 CFR Part 26 and may in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C.3801 et seq.).”

This statement is found in the attached Required Contract Provisions For DBE Participation In Federal Aid Construction Contracts, Part B.

In addition, to assure the compliance indicated above, LADOTD will require that each contract LADOTD signs with a sub-recipient or a contractor (and each subcontract the prime contractor signs with a subcontractor) includes the following assurance:

“The contractor, sub-recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 C.F.R. 26 in the award and administration of USDOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as LADOTD deems appropriate.”

VI. DBE Program Updates (§26.21)

LADOTD will continue to carry out this program until all funds from the USDOT financial assistance have been expended, and will provide to the USDOT updates representing significant changes in the program.

VII. LADOTD's Policy Concerning This DBE Program (§26.23)

The LADOTD is committed to the objectives of the DBE Program and it is their policy to fully support and comply with 49 C.F.R. Part 26 and all other applicable statutes, regulations, and guidelines of the United States Department of Transportation. It is the policy of LADOTD to provide a level playing field, to foster equal opportunity in all USDOT assisted contracts, to improve the flexibility of the DBE Program, to reduce the burdens on small businesses, and to achieve that amount of participation that would be obtained in a non-discriminatory market place. It is the policy of LADOTD that there will be no discrimination in the award and performance of federally assisted contracts on the basis of race, color, sex, or national origin.

VIII. DBE Liaison Officer (§26.25)

LADOTD has designated an employee within the Office of Civil Rights as the DBE Liaison Officer:

Compliance Programs Director
Louisiana Department of Transportation and Development
P.O. Box 94245
Baton Rouge, LA 70804-9245
Telephone: (225) 379-1382
Fax: (225) 379-1865

In that capacity, the Liaison Officer is responsible for implementing all aspects of the DBE program and ensuring that LADOTD complies with all provisions of 49 C.F.R. Part 26. The DBE Liaison Officer has direct, independent access to the Secretary of LADOTD concerning all DBE matters and will have adequate staff to implement, administer, and monitor the DBE Program.

The DBE Liaison Officer and staff are responsible for developing, implementing and monitoring the DBE program in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by the USDOT.
2. Identifies contracts and procurements so that DBE goals are included in solicitations and monitors results.
3. Analyzes program progress toward goal attainment and identifies ways to improve progress.
4. Participates in pre-bid meetings and advises the Deputy Secretary on DBE matters and achievement.
5. Participates with the DBE Over-Sight Committee to determine contractor compliance with good faith efforts.

6. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
7. Plans and participates in DBE training seminars.
8. Acts as liaison to the Uniform Certification Program in the State of Louisiana.
9. Provides outreach to DBEs and community organizations to advise them of opportunities.
10. Maintains the updated LADOTD directory on certified DBEs.
11. And such other duties as imposed by the Secretary of LADOTD.

As part of LADOTD's policy to support and encourage the DBE Program, the Liaison Officer will make available a copy of the DBE Policy and the DBE Directory to all LADOTD Districts and Divisions, to all highway construction contractors of the State of Louisiana, to manufacturers of products used in the highway construction industry, and public transit contractors within the State of Louisiana, to all contractors listed on LADOTD's "Notice to Bidders," to all certified DBEs in Louisiana, to all Planning Districts within the State of Louisiana, to all municipalities and counties of this state, to various associations that represents contractors in the highway construction and public transit industry, and upon request, to any other agency, business, or individual. These documents may be obtained via our website at www.dotd.la.gov.

IX. DBE Financial Institutions (§26.27)

It is the policy of LADOTD to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions and to encourage prime contractors on USDOT assisted contracts to make use of these institutions. LADOTD has thoroughly investigated the full extent of services offered by banks owned and controlled by socially and economically disadvantaged individuals in the community. Based on a recent search, there is currently one minority owned and controlled bank in the State of Louisiana:

Liberty Bank & Trust Co., 6600 Plaza Dr., Suite 600, New Orleans, LA 70127

LADOTD will continue to investigate any new DBE banks established in Louisiana and use their services when feasible. LADOTD will provide the following notification to each prime contractor who will perform on a USDOT-assisted project: "The contractor is encouraged to use the services offered by banks in the community which are owned and controlled by minorities or women when feasible and beneficial." This statement is found in the attached Required Contract Provisions For DBE Participation In Federal Aid Construction Contracts, Part C.

X. Prompt Payment Requirements (§26.29)

LADOTD will require that the following clause be included in each USDOT-assisted prime contract:

“To ensure that the obligations under subcontracts awarded to subcontractors are met, the LADOTD will review the contractor's efforts to promptly pay all subcontractors for work performed in accordance with the executed subcontracts. LADOTD does not hold retainage from prime contractors, and the contractor may not hold retainage from subcontractors. The contractor shall pay subcontractors and suppliers, including DBEs, their respective subcontract amount within 14 calendar days after the contractor receives payment from LADOTD for the items satisfactorily performed by the subcontractors in accordance with Louisiana Revised Statute 9:2784. The contractor shall provide the subcontractors with a full accounting to include quantities paid and deductions made from the partial payment at the time the check is delivered.

Delay or postponement of payment to the subcontractor may be imposed by the contractor only when there is evidence that the subcontractor has failed to pay its labor force and suppliers for materials received and used on the project. Delay or postponement of payment must have written approval by the Project Engineer. Failure to pay subcontractors promptly shall constitute a breach of contract and, after notification by the LADOTD, may result in (1) a deduction from the contract funds due or to become due the contractor, (2) disqualification of a contractor as non-responsive, or (3) any other such remedy under the contract as LADOTD deems appropriate. All subcontracting agreements made by the contractor shall include the prompt payment to subcontractor provisions as incorporated in the contract. All disputes between contractors and subcontractors relating to payment of completed work shall be referred to the DBE Oversight Committee. Members of the DBE Oversight Committee are: the Contract Services Administrator; the LADOTD Compliance Programs Director; and a FHWA Division Representative.”

This statement is found in the attached Required Contract Provisions For DBE Participation In Federal Aid Construction Contracts, Part H (8).

XI. DBE Directory (§26.31)

To assist interested firms in identifying certified DBEs, LADOTD presently maintains the Louisiana Unified Certification Program (UCP) DBE Directory that identifies all firms certified as being eligible to participate as DBEs in LADOTD's DBE Program. The listing for each firm includes its address, phone number, and the types of work the firms are certified to perform as a DBE.

LADOTD revises its Directory monthly, and makes updated information available to contractors and the public on our LADOTD website (www.DOTD.la.gov), or by contacting LADOTD's Compliance Programs Section, (225) 379-1382. LADOTD has adopted and does participate in a Unified Certification Program as described in 49 C.F.R. §26.81. A Louisiana UCP DBE Application form is also available on the LADOTD website or a paper copy may be requested from Compliance Programs at the phone number above. A copy of the application is attached.

XII. Over Concentration of DBEs in Certain Types of Work (§26.33)

LADOTD through its Supportive Services Consultant provided surveys to all certified DBE's in an order to gather current information on our DBE's. This included information relative to overconcentration. This survey is continually disseminated to our newly certified DBE's through the "Welcome Package" developed by the consultant. The information derived from these surveys is compiled by the consultant and submitted through progress reports to LADOTD for review. LADOTD has not determined that DBE firms are so over-concentrated in a certain type of work area as to unduly burden the opportunity of non-DBE firms in that type of work. These reports will be monitored on a semi-annually basis and should over-concentration be identified LADOTD will use appropriate business development strategies to increase expertise of those DBE firms in additional work items. LADOTD will submit determination factors and solutions for over concentration to its operating administration for approval, and no corrective action will be used until they are approved by the USDOT. If such approval is obtained, the measures will become part of LADOTD's DBE Program. It is not the intention of LADOTD to establish or use a mentor-protégé program at this time.

XIII. Monitoring and Enforcement Mechanisms (§26.37)

LADOTD implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification of failure to carry out the approved DBE program, the USDOT may impose sanctions as provided for under 49 CFR Part 26 and may in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C.3801 et seq).

One of the main purposes of 49 C.F.R. Part 26 is to insure that DBEs are actually performing the work committed to them in the process of awarding the contract to the

prime contractor. To achieve that objective, LADOTD will measure payments actually made to DBEs as well as commitments made prior to award of federally assisted contracts. Credit toward DBE goals will be given to contractors only when payments are made to LA UCP certified DBEs. LADOTD will also keep a running tally on each federally assisted contract of the extent to which performance matches the commitment made by the prime contractor. This information is currently maintained in a LADOTD computer database system, which tracks both monthly and year-to-date payments. However, in 2012 LADOTD begins the fifteen (15) month implementation of the new program Civil Rights and Labor Management System (CRLMS). Once implemented, this system is expected to provide tracking of all information required by USDOT.

The contractor shall submit monthly reports on DBE payments. At the conclusion of each estimate period, the contractor shall submit the Form CP-1A, CONTRACTORS MONTHLY DBE PARTICIPATION, to the project engineer to verify that the DBEs performed the listed work during the previous month's reporting period, and the amount paid is commensurate with the commitment amount. These reports will be required until all DBE subcontracting activity is complete or the DBE Goal has been achieved. Failure to submit the required reports will result in the withholding payments to the contractor until the reports are submitted. Reports are required regardless of whether or not DBE activity has occurred in the monthly reporting period.

Upon completion of all DBE participation, the contractor shall submit the Form CP-2A, DBE FINAL REPORT, to LADOTD Compliance Programs Section. This form details all DBE subcontractor payments. When the actual amount paid to DBE is less than the award amount, a complete explanation is required by Compliance Programs. If the DBE goal is not met and the explanation submitted does not justify waiving the unmet portion of the goal, an amount equal to the unmet portion will be withheld from payment due to the contractor. All payments due subcontractors which affect DBE goal attainment shall be made by the contractor before LADOTD releases the payment and performance bonds.

LADOTD reserves the right to conduct an audit of DBE participation prior to processing the final estimate and at any time during the work.

In order for the prime contractor to receive credit toward the contract goal, the DBE must perform a commercially useful function (CUF) as outlined in 49 C.F.R., Part 26.55. The Project Engineer or inspector on all Federal Aid projects must complete a (CUF) review on each DBE working on the project, even if the project has no DBE goal or the DBE was not listed on the CS-6AAA. The Project Engineer or inspector must notify the Compliance Programs Office if it appears that the DBE may not be performing a CUF. An investigation and site visit will be conducted by a Compliance Programs Specialist to determine the facts. Periodic, random or scheduled on site visits to monitor CUF performance are also conducted by Compliance Programs. The Prime contractor should take corrective action when the review reveals any negative evaluations. DBE credit may be disallowed and/or other sanctions imposed if it is determined the DBE firm

is not performing a CUF. See attached Required Contract Provisions For DBE Participation In Federal Aid Construction Contracts.

XIV. Quotas (§26.43)

LADOTD does not use quotas in any way in the administration of this DBE program.

XV. Establishment of LADOTD's Goals for DBE Participation (§26.45)

LADOTD is required to establish overall state goals for each agency of USDOT for the utilization of DBEs on USDOT assisted contracts as described in §26.45. The state goal is expressed as a percentage of the total payments to prime contractors and subcontractors performing on USDOT assisted contracts. This overall goal is based on evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on USDOT assisted contracts.

The USDOT requires a two-step process for setting the annual DBE goal. The first step is to establish a base figure for the relative availability of DBEs. The second step is to adjust the base figure in order to determine a realistic overall goal. LADOTD maintains a comprehensive bidders list that includes all firms who have shown an interest in bidding as contractors or subcontractors on federally assisted projects. Public consultation forums are held to give all interested parties an opportunity to pose questions and raise issues for discussion, as well as being actively involved in our goal setting process.

In setting the base figure, LADOTD will rely on information with respect to the relative number of bids or quotes submitted by DBEs on past USDOT assisted prime contracts or subcontracts over the federal fiscal year. At a minimum, the relative number of DBE bids or quotes will be examined at the following level of detail: prime and subcontracts, trucking and supplier contracts, engineering design contracts and subcontracts, consultant and other professional services contracts and subcontracts. Only DBEs with current certification will be counted as available DBEs. An overall base figure will be determined by weighing DBE availability in these work segments by the amount of contract dollars going to each segment on past USDOT assisted contracts.

In adjusting the base figure, LADOTD will consider, at a minimum, the following: past utilization of DBEs on state-funded contracts, past utilization of DBEs on USDOT assisted contracts, any future changes in the volume and distribution of contract dollars by segment of work, potential DBE contractors who may not qualify for recertification and other factors as outlined in 49 CFR Part 26.

LADOTD will, to the fullest extent possible, meet its overall goal through race-neutral means by facilitating DBE participation. Race neutral measures may include designing the contracting processes to encourage small business participation, providing assistance in obtaining bonding and financing; providing technical assistance, widely

distributing information on contract opportunities and available firms, implementing in-house supportive services as well as contracting with outside professional service providers to enhance business management of small businesses.

When race neutral measures are not totally effective in meeting the annual goal, LADOTD will institute the race conscious measure of establishing contract goals on specific prime contracts with subcontracting possibilities (opportunities), which the bidder must meet or exceed or must demonstrate that he/she could not meet despite best efforts.

LADOTD will establish a three year overall DBE goal for each agency as required. The goal will be submitted to the Federal Highway Administration or appropriate agency by August 1 every three (3) years for their review.

A notice announcing the proposed goal(s) and rationale will be published and made available for inspection during normal business hours in the first floor lobby of LADOTD's headquarters building and on our website for 30 days following the date of the notice. Notice will also be given to the public that comments on the state goal will be accepted for 45 days from the date of notice. The notice will include addresses to which comments may be sent. The notice will be published in general circulation media and available minority focused media. Public meetings will be conducted in two regions of the state, and overall DBE goal(s) may be adjusted based on public meetings. If adjustments are made, the goal will be republished and the public meetings will be held again.

The Department's goal is designed to achieve a consistency of DBE involvement throughout the state rather than in a selected geographic concentration, throughout the year, and according to the availability of DBEs to respond to solicitation.

The assignment of contract goals, the commitments of bidders to utilize DBEs, and the contractor's fulfillment of goal commitments are carefully monitored by the Compliance Programs Section to assess progress toward goal achievement and, if necessary, to modify procedures and/or goal-setting methodology.

XVI. Means LADOTD Will Use to Meet its Overall Goals (§26.51)

LADOTD will meet the maximum feasible portion of its overall goal by using race-neutral means to facilitate DBE participation. For the purposes of this program, race-neutral includes gender neutrality. Race and gender-neutral DBE participation includes any situation in which a DBE is awarded a prime contract through customary competitive procurement procedures, is awarded a subcontract on a prime contract that does not carry a DBE goal, and/or did not consider its DBE status in making the award (e.g., a prime contractor that uses a strict low bid system to award subcontracts).

Race-neutral means include, but are not limited to, the following:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBEs, and other small businesses, participation;
2. Providing technical assistance and other services;
3. Carrying out information and communications programs on contracting procedures and specific contract opportunities;
4. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
5. Providing services to help DBEs, and other small businesses, improve long-term development;
6. Ensuring distribution of the LADOTD DBE Directory to the widest feasible universe of potential prime contractors;
7. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology.

LADOTD will establish contract goals to meet any portion of its overall goal it does not project being able to meet using race-neutral means.

The following provisions apply to the use of contract goals:

1. LADOTD will establish contract goals only for those USDOT-assisted contracts that have subcontracting possibilities.
2. LADOTD may not set a contract goal on every USDOT-assisted contract. However, over the period covered by its overall goal, LADOTD will set contract goals so that they will cumulatively result in meeting any portion of its overall goal it does not project being able to meet through the use of race-neutral means.
3. LADOTD's contract goals will provide for participation by all certified DBEs and will not be subdivided into group-specific goals.

To ensure that its DBE Program continues to be narrowly tailored to overcome the effects of discrimination, LADOTD will adjust the use of contract goals in accordance with the procedures and examples as set forth in 49 C.F.R. 26.51.

XVII. Good Faith Efforts (§26.53)

When LADOTD has established a DBE contract goal, it will award the contract only to a bidder who makes good faith efforts to meet it. LADOTD will determine that a bidder has made good faith efforts if the bidder does either of the following things:

1. Documents that it has obtained enough DBE participation to meet the goal; **or**
2. Documents that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough DBE participation to do so. If the bidder does document adequate good faith efforts, LADOTD will not deny award of the contract on the basis that the bidder failed to meet the goal.
3. If the bidder does not meet the contract goal, the documentation of all good faith efforts must be submitted along with the CS-6AAA, Bidders Assurance of DBE Participation, within 10 working days after the letting. Any decision as to the adequacy of good faith effort will be considered in accordance with the guidance outlined in Appendix A to 49 C.F.R. Part 26 --Guidance Concerning Good Faith Efforts for Determining the Adequacy of a Bidder's Good Faith Efforts.

Information to be Submitted

Construction Contracts

All apparent low responsive bidder(s) will be required to submit the following information to LADOTD within ten (10) working days of the opening of the bid and prior to LADOTD committing to the award of the contract:

1. Names and contact information of DBE firms that will participate in the contract;
2. Description of the work that each DBE will perform;
3. Dollar amount of the participation of each DBE firm participating;

The CS-6AAA with signatures of the prime contractor and the DBE firm serves as written documentation of the bidder's commitment to use a DBE subcontractor to meet a contract goal. It also is further verification that the DBE subcontractor is aware of the prime contractor's commitment to use the firm toward a DBE contract goal.

These provisions are applicable to all bidders including DBEs. Since prime contractors, including DBEs are required to perform at least 50 percent of the work of the contract, all work to be performed by the DBE prime may be listed on the CS-6AAA provided performance is in accordance with the terms of the contract, normal industry practices, and the LADOTD DBE Program. When DBE prime contractors sublet any portion of the contract, they shall comply with provisions regarding contractor and subcontractor relationships. LADOTD will count toward the goal only work a DBE prime contractor actually performs, or any work performed by other certified DBE subcontractors, provided a commercially useful function is performed. This calculation is tracked electronically by the LADOTD computer system.

If the contract goal is not met, the prime contractor must provide documentation of good faith efforts at the same time the CS-6AAA is submitted. LADOTD will make sure all information is complete, accurate and demonstrates adequate good faith efforts before

awarding a contract to the bidder. In order for firms to be deemed eligible to be listed on the CS-6AAA or good faith efforts, they must have been certified in the appropriate items at the time the construction project is advertised.

If the good faith efforts submitted with the bid are deemed insufficient, the Compliance Programs Director will ask the Contract Services Administrator to reject the bid. If he rejects the bid, the decision is subject to an appeal by the bidder. The request shall be made in writing and should provide documentation or arguments concerning the issue of adequate good faith efforts. The DBE Oversight Committee will hear the appeal. The bidder will have the opportunity to meet in person with the Committee to discuss the issues leading to bid rejection. An attorney who is versed in DBE matters will be available to provide input, and a final recommendation will be made to the Reconsideration Official by the DBE Oversight Committee.

Administrative Reconsideration

The Reconsideration Official shall be LADOTD's Chief Engineer, who will not have played any role in the original determination that the bidder did not document sufficient good faith efforts. The bidder will be provided a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The Reconsideration Official's decision is not administratively appealable to the USDOT.

Good Faith Efforts when a DBE is replaced on a contract

LADOTD will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. LADOTD will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, LADOTD will require the prime contractor to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, our DBE Contract Administration Manager will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, LADOTD may issue a termination for default proceeding.

Engineering Consultant Contracts

The Louisiana Department of Transportation's Consultant Contract Services Section is using the following procedure to review contracts that are being advertised for applicability of goals.

The Goal Setting Process

Contracts that are greater than or equal to \$250,000 are reviewed for goals. The work types with percentages are identified by the Project Manager and the Compliance Section gathers the number of available DBE firm/firms with specialties in the identified work categories in the project area. All pertinent information is presented to the evaluation committee, who will discuss the projects, and set the goal for the contract. The matrix for initial project selection will include the following:

- DBE available by area
- DBE specialties
- Breakdown of project by percentage of work type
- Cost of project

The Engineering DBE Goal Committee is composed of the Consultant Contract Engineer, a Compliance Section representative, a representative from Design / Project Manager, a FHWA Area Engineer, and the Project Development Division Chief. The Consultant Contract Engineer will serve as chairperson, and Compliance Programs will provide information on DBE firms and support goal while the FHWA Area Engineer support provides input of area they oversee as it relates to the DBE goal. The representative from Design / Project Manager is rotational (project specific to provide detailed breakdown of possible tasks to be performed by a DBE) and the Project Development Division Chief provides knowledge, consistency, and guidance for project development.

Eligibility

In order for small disadvantaged firms, including those owned by minorities and women, to participate in the DBE program they must apply for and receive certification as a DBE. The firms should contact the LADOTD Compliance Section if further information on certification is required. A complete list of those firms registered as DBEs with their specialties can be found on the LADOTD website, Construction Letting Information page, or by contacting the Consultant Contracts Section at (225) 379-1989.

Engineering DBE Program Expectations

The prime consultant must demonstrate the goal will be met or exceeded, and submit the name of the DBE firm(s) they intend to use to meet the goal or submit documentation of good faith efforts to meet the goal.

Good Faith Efforts

The prime consultant should provide written notice to all certified DBEs who have capabilities pertinent to the work of the contract that their interest in the contract is being solicited. This notice shall be in sufficient time to allow the DBEs to respond to the

written solicitation and should include follow-up of initial solicitations of interest by contacting DBEs to determine with certainty whether they were interested. Selecting portions of the work to be performed by DBEs will increase the likelihood of the DBE goals being achieved. This may include, breaking down contracts into economically feasible units to facilitate DBE participation. The prime should provide interested DBEs with adequate information about the scope and requirements of the contract. Negotiations with interested DBEs should be documented and include the names, addresses, and telephone numbers of the DBEs considered, and should also include a description of the information provided, and a statement as to why additional agreements could not be reached for DBEs to perform the work. A prime consultant cannot reject DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities.

Engineering DBE Program Commercially Useful Function

A DBE's role cannot be limited to that of an extra participant in a project through which funds are passed in order to obtain the appearance of DBE participation. When a DBE is presumed not to be performing a commercially useful function, the DBE may present evidence to rebut this presumption. DBEs are required to furnish all supervision and labor necessary to perform tasks prescribed in the contract, and must manage the work that has been contracted including scheduling work operations, preparing and submitting payrolls and all required reports and forms, hiring and firing employees including supervisory positions. The DBE must perform the work of the contract with his/her own forces, with no formal or informal constraints placed upon the DBE by the prime consultant to require the DBE to use employees of the prime consultant or any other consulting firm to perform the work. Use by a DBE of personnel from other consultants will not satisfy the requirement.

Replacement of DBE

A prime cannot terminate a DBE sub-consultant and self-perform the work without prior written approval from Compliance Programs and Contract Services. DBEs can be replaced only if they are unable or unwilling to perform. If it appears that the DBE goal cannot be achieved, the prime consultant shall immediately notify Compliance Programs and Consultant Contract Services, and must make good faith efforts to find a replacement for the DBE. Department approved revisions to the contract which eliminate work of the DBE do not require replacement. The required good faith efforts are essentially the same as those required prior to award of the contract, such as written notice, personal contact, follow up, negotiations, etc. Good faith efforts must be used to try to meet at least a portion of the goal should be documented and submitted to Compliance Programs and the Consultant Contract Services Section for evaluation.

Replacement Procedure

The Compliance Programs Office will review the quality, quantity, and intensity of the prime consultant's efforts. Those that are merely for the record, without personal contacts, cannot be approved. If the consultant is able to demonstrate adequate good-faith efforts, LADOTD will recommend that the remainder of the goal be waived. The FHWA must concur in any decision made by LADOTD to reduce or waive a contract goal.

XVIII. Counting DBE Participation (§26.55)

LADOTD will count DBE participation toward overall and contract goals as provided in 49 C.F.R. §26.55, and outlined in Attachment 1.

XIX. Certification (§26.61 – §26.91)

All LADOTD Certifications will follow the procedures outlined in the Louisiana Unified Certification Program (LAUCP) (Attachment 3) which incorporates the federal guidelines 49 CFR Part 26 Subpart D – Certification Standards and Subpart E – Certification Procedures.

Process

Certification Steps

- LADOTD Compliance Programs Office receives application with supporting documentation from prospective DBE firm.
- DBE Certification Specialist reviews application and all supporting documentation for completeness.
- If application is not complete, Applicant Firm is notified in writing to provide missing documents.
- If application is complete, the DBE Certification Specialist performs an onsite review of in-state firms or requests a copy of an onsite review from the home state of out-of-state firms.
- Following the onsite review, a project site visit is performed when feasible.
- A report is written and presented to the DBE Certification Review Team. There are five members of the Review Team and each has knowledge of the certification requirements.
- Firm receives written notification of the committee's decision to certify or deny certification to the firm.
- If the firm is denied certification, specific reasons for denial are provided in writing along with appeal rights to the U.S. Department of Transportation.
- If the firm is approved, it is placed on the LAUCP DBE Directory.

In the event LADOTD proposes to remove a DBE's certification, the procedures will be consistent with §26.87.

The DBE Directory is posted to the Internet at the same time that the Advance Notice to Contractors is posted. Only those firms certified at that time, which is approximately 5 weeks prior to each bid letting, can be used to meet the goal on those projects for that letting. For information about the certification process or to apply for certification, firms should access the UCP application on the LADOTD or contact the Compliance Programs Office.

Denial of Certification

When a firm is denied certification or the firm's eligibility is removed, that firm must wait twelve months before it is eligible to reapply for certification. This twelve-month period commences on the date of the denial letter or the removal of eligibility letter.

Certification Appeals

Any firm or complainant may appeal the decision in a certification matter directly to USDOT. Appeals must be received within 90 days of denial and are sent to:

Department of Transportation
Office of Civil Rights
1200 New Jersey Ave. SE, W-35
Washington, DC 20590

LADOTD will promptly implement any USDOT certification appeal decisions affecting the eligibility of DBEs for our USDOT assisted contracting (e.g., certifies a firm when the USDOT has determined that a denial of its application was erroneous).

"No Change" Affidavits and Notices of Change

All DBEs will be required to provide a written affidavit of any change in its circumstances, affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 C.F.R. Part 26 or of any material changes in the information provided with the firm's application for certification.

All owners of all certified DBEs are required to submit on the anniversary date of their certification, a "no change" affidavit meeting the requirements of §26.83(j). The text of this affidavit is the following:

"I swear (or affirm) that there have been no changes in the circumstances of [name of DBE firm] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 C.F.R. Part 26. There have been no material changes in the information provided with [name of DBE]'s application for certification, except for any changes about which you have provided written notice to the Sponsor under §26.83(i). [Name of firm] meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm's previous three fiscal years do not exceed \$22,410,000."

The DBE is required to submit documentation of the firm's size and gross receipts with this affidavit. This includes complete copies of individual and company federal tax returns and a current personal net worth statement (form OMB Approval No. 3245-

0188). If a firm's owner knows or should know that he or she, or the firm, fails to meet a Part 26 eligibility requirement (e.g., personal net worth), the obligation to submit a notice of change applies and should be submitted within 30 days of the change to LADOTD's DBE Certification Manager.

Personal Net Worth

All disadvantaged owners or applicants and currently certified DBEs, who are eligible under Part 26, are required to submit a statement of personal net worth.

The Personal Net Worth form and the documentation that respondents must submit with it are included in Attachment 4.

XX. Information Collection and Reporting

Reporting to USDOT

LADOTD will report DBE participation to the Federal Highway Administration, the Federal Transit Authority, and where appropriate, to the Federal Aviation Administration semi-annually by submitting The Uniform Report of DBE Awards or Commitments and Payments for use by USDOT recipients.

Confidentiality

LADOTD will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. State law LSA-R.S. 44:1 Et Seq. addresses the disclosure of public information to third parties. A Public Information Request Form is available to the public on the LADOTD website. Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than USDOT) without the written consent of the submitter, as required by the June 28, 1999, Technical Amendment to 49 C.F.R. Part 26.

XXI. FOSTERING SMALL BUSINESS PARTICIPATION (§26.39)

In accordance with Federal Regulation 49CFR26.39, Fostering Small Business Participation, the Louisiana Department of Transportation and Development (LADOTD) has developed the following plan to facilitate competition by small business concerns in contracting opportunities with LADOTD. This plan will require certification of small businesses to better ensure a level playing field.

Key Definitions

Economically Disadvantaged – For a business owner to be considered economically disadvantaged his/her Personal Net Worth (PNW), excluding the primary residence and ownership interest in the applicant business, cannot exceed 1.32 million in accordance with Federal Regulation 49CFR26.67.

Small Business Concern - ...a small business concern as defined pursuant to Section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR Part 121) that also does not exceed the cap on average annual gross receipts of 22.4 million as specified in Federal Regulation 49CFR26.65(b).

Small Business Enterprise (SBE) – This refers to a for-profit business that is at least 51% owned by one or more individuals who are economically disadvantaged, and whose company meets the small business concern definition.

Method To Facilitate Competition

Currently the LADOTD establishes DBE contract goals on US DOT assisted contracts over \$500,000. In accordance with Federal Regulation 49CFR26.39, to facilitate SBE competition, LADOTD will establish SBE goals on FHWA assisted contracts that are between \$250,000 and \$500,000. The method used to establish SBE goals will be the same process followed in establishing DBE goals. A DBE/SBE Goal Committee will review and evaluate the scope of work and location of each project. The directory of SBE certified firms will be reviewed to determine availability and a goal will be assigned should it be determined the project can support one. LADOTD will advertise and post on our website each project and specify the SBE goal percentage. For each project that is assigned a SBE goal, contract specifications will be developed and included as part of the contract. A monitoring and tracking process for SBE's awarded SBE goal projects, as a prime or a subcontractor, will be similar to the process LADOTD utilizes for DBE monitoring and tracking.

Outreach

Will ensure easy and direct access to the SBE program information through website and other electronic and print media.

Promote awareness of the SBE program at trade fairs, workshops, conferences, etc.

- Forge partnerships with industry groups, such as the Louisiana Associated General Contractors, to assist with the dissemination of information on opportunities for small businesses.

Certification

LADOTD Compliance Programs Office, Certification Unit will certify businesses as SBE's in accordance with Federal Regulation 49CFR26.65 through an application process. The Louisiana Unified Certification Program (LAUCP) application for DBE certification will be revised to exclude any reference to and/or presumption of social disadvantage based on race and/or gender and used as the SBE application. Additionally, SBE certification will include provisions of Federal Regulation 49CFR26.67(2)(i) which establishes a Personal Net Worth threshold of 1.32 million for the individual owner of the business seeking certification. The SBE application process will be similar to the procedures for the DBE application process as it relates to documentation requirements necessary to determine the applicable size standards. An annual affidavit, with supporting documents, will be required each year for certified SBE's to verify continued eligibility.

Directory

A separate directory of SBE firms will be maintained and made available on LADOTD's website. All available contact information will be provided on each certified SBE. All certified DBE's in the LAUCP have already been determined they meet the economically disadvantaged and small business concern definitions so each certified DBE will automatically be certified as SBE's.

Implementation Schedule

First 7 Months of Implementation

Revise the LAUCP DBE application and develop the application for SBE certification.
Revise and develop the Annual Affidavit for continued SBE certification.

Establish SBE contract specifications to be included in future contracts with a SBE goal.

Begin outreach efforts to disseminate information on the SBE Program and contracting opportunities with LADOTD. (This effort will continue beyond implementation)

Request assistance from IT to develop the database for the SBE Directory and attach a link on website.

Develop with assistance of IT a monitoring and tracking process for SBE goal projects.

Begin processing SBE applications as they are received.

Last Month of Implementation

Have a SBE Directory of certified SBE's.

Begin setting goals on FHWA assisted projects between \$150,000 and \$500,000.

Monitor and track SBE participation.

DISADVANTAGED BUSINESS ENTERPRISE/ SMALL BUSINESS ELEMENT REQUIREMENTS FOR FTA FUNDED PROJECTS:

It is the policy of the U. S. Department of Transportation that disadvantaged business enterprises, including small businesses as defined in Title 49, Code of Federal Regulations, Part 26 (49 CFR 26), shall be afforded reasonable opportunity to participate in the performance of projects financed in whole or in part with federal funds, consequently, the DBE requirements of 49 CFR 26 apply to this project.

The Grantee agrees to comply with section 1101(b) of TEA-21, 23 U.S.C. § 101 note, and U.S. Department of Transportation regulations, "Participation by Disadvantaged Business Enterprises including small businesses in Department of Transportation Financial Assistance Programs," 49 C.F.R. Part 26.

The Grantee agrees that it shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Grantee of its failure to carry out its approved program, the Department may impose sanction as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

The Grantee agrees to ensure that disadvantaged business enterprises including small businesses, as defined in 49 CFR be afforded reasonable opportunity to participate in the performance of this project and any subcontracts that may be let. In this regard, the Grantee shall take all necessary and reasonable steps in accordance with 49 CFR 26 to ensure that disadvantaged business enterprises have reasonable opportunity to compete for and perform services relating to this project. Failure by the grantee to carry out these requirements is a material breach of the Agreement which may result in the termination of this Agreement or such other remedy as the DOTD deems appropriate. After proper notification by DOTD, immediate remedial action shall be taken by the Grantee as deemed appropriate by DOTD or the agreement shall be terminated. The option will rest with the DOTD.

The above requirements shall be incorporated by reference in all subcontracts entered into by the Grantee.

Verification Process for TVMS:

Below is the updated TVM Certification language used in FTA-funded transit vehicle procurements:

Section 26.49 Transit Vehicle Manufacturers

The DOTD and the Office of State Purchasing will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, the DOTD and Office of State Purchasing may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

The procedures will be used to implement vehicle procurement for FTA Funded contracts:

FTA Vehicle Procurement Procedures and Checklist		
Date	Process	Status
June 1	Review and revise vehicle specifications and FTA Certifications	
June 15	Review current list of TVMs on State contract and current TVMs listed on FTA's website to ensure that each TVM, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, certify that it has complied with the requirements of 49 CFR Part 26.49 in order to be eligible to bid on federally-funded contracts.	
June 20	Submit vehicle specifications to the Louisiana Division of Administration Office of State Purchasing for review and approval and provide a list of approved TVMs. <u>Because FTA's listing of TVMs can change frequently, this list will be reviewed by DOTD and Office of State Purchasing prior to award of each contract to reflect actual status of TVM DBE goals.</u> http://www.fta.dot.gov/civilrights/12891.html	

A. Required Contract Provisions

A. Contract Assurance

To ensure that all FTA assisted contracts and subcontracts include the correct language, the Public Transportation Section will review the FTA website for applicable clauses annually and monitor the website periodically prior to executing any agreements.

In addition to the above, the timeline below will be used to monitor and track contracts issued by LA DOTD and its sub-recipients to ensure that the below clause is included in every FTA-assisted contract and subcontract will be inserted in the DOTD DBE Program.

Contract Assurance Timeline	
Date	Process
July	Review FTA Website for updates to the contract assurance clause found in 26.13 of the DBE regulations.
August-September	Develop grant applications for Federal Assistance and include a sample contract that contains the proper contract assurance clause found in 26.13 of the DBE regulations. Post grant applications including FTA applicable contract clauses on the website.
November	Conduct a session at the Annual Public Transit Conference and provide potential applicants with training on the grant application and FTA contract assurance clause found in 26.13 of the DBE Regulations.
February-March	Review grant applications and select projects
April - June	Prior to signing each contract with a contractor (and each subcontract the prime contractor signs with a subcontractor) DOTD will ensure that the contract includes the contract assurance clause found in 26.13 of the DBE regulations.
Annually	Conduct site visits to review sub-recipients contract files.

The contracts or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of FTA assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in termination of this contract or such other remedy as the recipient deems appropriate.

B. Prompt Payment

To ensure that all FTA assisted contracts and subcontracts include the Prompt Payment clauses are included in agreements, the Public Transportation Section will review all contracts and subcontracts annually prior to executing any agreements. The Public Transportation Staff will maintain a compliant log to document contractor's performance.

The Public Transportation Section will include the following clause in each FTA assisted prime contract and it will apply to payments made to both DBE and non-DBE subcontractors:

Subcontractor and Supplier Payments: *The prime contractor agrees to pay each subcontractor under this prime contract within fourteen (14) calendar days after receiving payment from LA DOTD for amounts previously invoiced for work performed or materials furnished under the Contract. Failure to pay subcontractors within fourteen (14) days will be considered in the review of the Contractor's performance of the contract and may result in the withholding of payment to the Contractor.*

The LA DOTD has reviewed the DBE Program Plan and has updated the plan to include the following retainage policy that reflects the Public Transportation functions.

Retainage: *The Contractor agrees further to return retainage payments to each subcontractor within fourteen (14) days after the subcontractor's work is satisfactory completed.*

Below is a scheduled plan to ensure that the return of retainage of current contracts will be managed as follows:

Retainage Procedures:

1. DOTD Program Manager monitor's the contract payments and record amount paid and the amount of retainage for each invoice received. The amount of retainage is verified, tracked, monitored and recorded in the payment log for each subcontractor.
2. Following the end of the contract period, the DOTD Audit Division performs an audit of contract payments to ensure compliance.
3. Within 14 days after the work is satisfactorily completed, the contractor agrees to return retainage payments for each subcontractor.

The current consultant services contract expires February 28, 2013. The DOTD has elected not withhold retainage in future contracts. The DOTD has issued a new Request for Proposal that does not contain the Retainage Clause.

<http://webmail.dotd.louisiana.gov/agrestat.nsf/WebAdvertisements?OpenPage>

C. Legal Remedies

The LA DOTD will bring to the attention of the DOT any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109. The LA DOTD also will consider similar action under

our own legal authorities, including responsibility determinations in future contracts. This Legal Remedy will be included in the LADOTD DBE Program.

Legal Remedies – FTA funded Contracts and Subcontracts	
July	Review FTA Website for updates to 49 CFR Part 26.37
August-September	Develop grant applications for Federal Assistance and include a sample contract that contains the requirements for legal remedies. Post grant applications including FTA applicable contract clauses on the website.
November	Conduct a session at the Annual Public Transit Conference and provide potential applicants with training on the grant application and FTA contract requirements for legal remedies.
February-March	Review grant applications and select projects
April – June	Prior to signing each contract with a contractor (and each subcontract the prime contractor signs with a subcontractor) DOTD will ensure that the contract includes the contract requirements for legal remedies.
Annually	Conduct site visits to review sub-recipients contract files to ensure that legal remedies are included al all FTA-funded subcontracts.

C. Reporting

The LA DOTD revised the State Management Plan to reflect the following timeline for ensuring accurate completion of DBE reports in TEAM. All reports prior to 2011 were resubmitted in TEAM.

DBE Activity - Timeline	
By Dec. 10 th , March 10 th , June 10 th , Sept. 10 th	Send request for DBE activities to Transit Agencies
By January 1 st , April 1 st , July 1 st , October 1 st	Review and compile DBE activities for all Transit Agencies
By January 10 th , April 10 th , July 10 th , Oct. 10 th	Submit DBE activities quarterly in TEAM for ARRA Projects
By June 1 st and December 1st	Submit DBE activities semi-annually in TEAM for all FTA Projects

ATTACHMENT 1

REQUIRED CONTRACT PROVISIONS FOR DBE PARTICIPATION IN FEDERAL AID CONSTRUCTION CONTRACTS

(DBE GOAL PROJECTS)

ATTACHMENT 2

REQUEST TO SUBLET AND EXTRACT OF SUBCONTRACT (OMF-1A)

ATTACHMENT 3

LOUISIANA UNIFIED CERTIFICATION PROGRAM

PLAN AND PROCESS

ATTACHMENT 4

LAUCP CERTIFICATION APPLICATION AND ATTACHMENTS

ATTACHMENT 5

ORGANIZATION CHARTS